

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**STUART THOMAS, INC., d/b/a LENOX
HOMES DEFINED BENEFIT PENSION
PLAN,**

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 8:08CV376

ORDER OF DISMISSAL

This matter is before the Court on the Plaintiff's Notice of Dismissal filed pursuant to Fed. R. Civ. P. 41(a) dismissing its Petition to Quash Administrative Summons against Defendant United States of America, without prejudice.

IT IS ORDERED:

1. Plaintiff's Notice of Dismissal (Filing No. 5) is approved;
2. Plaintiff's Petition to Quash Administrative Summons (Filing No. 1) is dismissed without prejudice; and
3. The Clerk of Court is directed to terminate all pending motions in this case and to terminate this case for statistical purposes.

DATED this 31st day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge